

VLADECK, RASKIN & CLARK, P.C.

SUSAN J. WALSH  
212.403.7348  
[swalsh@VLADECK.COM](mailto:swalsh@VLADECK.COM)

October 28, 2020

Hon. Loretta A. Preska  
United States District Court Judge  
United States District Court for the SDNY  
500 Pearl Street  
New York, NY 10007

Re: *United States v. Daniel Lynch*, 08 C5 1051 (LAP)

Dear Judge Lynch:

I was appointed to assist Mr. Lynch related to his pro se 18 U.S.C. § 2255 motion to vacate, set aside, or correct his sentence. On September 24, 2021 I submitted a supplemental petition and a memorandum in support of that petition together with a number of Exhibits. At the time, due to the client's incarceration and some persistent delays in our communication, I was unable to provide an executed copy of Exhibit B. Subsequently, I received the executed affidavit which had been attested to by telephone earlier by my client. That affidavit is attached and on behalf of Mr Lynch, I respectfully request that this signed affidavit be substituted as Exhibit B to the Petition.

Thank you for your time and consideration to this matter.

Respectfully submitted,

/s/ Susan J. Walsh  
Susan J. Walsh

cc: Kevin Mead, AUSA

**SO ORDERED.**

Dated: October 29, 2021  
New York, New York



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LORETTA A. PRESKA  
Senior United States District Judge



## EXHIBIT B

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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United States of America

-against-

08 Cr 1051 (LAP)

Daniel Lynch,

Petitioner-Defendant.

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Daniel Lynch, being duly sworn hereby swears under penalty the following to be true:

- 1) I am the pro se Petitioner-Defendant in the above captioned case seeking relief under 18 USC 2255 (habeas petition).
- 2) I make this affidavit in support of my application and the supplemental application to vacate my sentence and my guilty plea in the above case and restore this matter for trial.
- 3) I have been under psychiatric care for my entire life as far back as I can remember.
- 4) When I was charged in this case, I understood that I would be going to a psychiatric hospital not to prison.
- 5) I was told and understood that I would be a patient no matter how long I was held in hospital. *instead* of prison.
- 6) When I was brought back to court from a medical facility, I understood that I would be sentenced to a term at a medical facility not to a prison.
- 7) I pled guilty because I understood that I would not go to prison.
- 8) I was sentenced because I was told and believed that I would continue to be in treatment in a medical facility even after I was sentenced.
- 9) I did not understand that I would be sent to a prison after sentencing or ever.
- 10) I did not want to plead guilty or to be sentenced to anything other than a medical facility.

Daniel Lynch 10/20/2021

Daniel Lynch (DATE)